

**BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS**

2535 Capitol Oaks Drive, Suite 300, Sacramento, California, 95833-2944

Telephone: (916) 263-2222 – Toll Free: 1-866-780-5370

Facsimile: (916) 263-2246

[www.bpelsg.ca.gov](http://www.bpelsg.ca.gov)**OFFICIAL NOTICE AND AGENDA****MEETING OF THE BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS**

**2535 Capitol Oaks Drive  
3<sup>rd</sup> floor Conference Room  
Sacramento, CA 95833**

**Thursday, March 7, 2013  
Beginning at 10:00 a.m.**

The meeting is open, and the public is invited to attend. The meeting facilities are barrier-free in accordance with the Americans with Disabilities Act. A person who needs disability-related accommodations or modifications in order to participate in the meeting shall make a request by contacting Celina Calderone at (916) 263-2230 or email [celina.calderone@dca.ca.gov](mailto:celina.calderone@dca.ca.gov) or sending a written request to Ms. Calderone at the Board for Professional Engineers, Land Surveyors, and Geologists, 2535 Capitol Oaks Drive, Suite 300, Sacramento, California, 95833. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodations.

For further information regarding this meeting, please contact Celina Calderone at (916) 263-2230. Electronic copies of this Official Notice and Agenda are available at <http://www.pels.ca.gov>.

**NOTE: All times indicated and the orders of business are approximate and subject to change. It is anticipated that the Board will break for lunch from approximately 12:00 p.m. to 1:00 p.m.**

Copies of the bills may be obtained by the public through the Bill Room at the State Capitol. You may also access all California statutes, regulations, and pending bills through the Legislative Counsel's Internet website at <http://www.leginfo.ca.gov>.



*Represents items from the Strategic Plan*

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**AGENDA****MEETING OF THE BOARD FOR PROFESSIONAL  
ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS****Thursday, March 7, 2013  
Beginning at 10:00 a.m.**

Board Members: Paul Wilburn, President; Erik Zinn, Vice President; Kathy Jones Irish; Carl Josephson; Mike Modugno; Philip Quartararo; Hong Beom Rhee; Ray Satorre; Jerry Silva; Robert Stockton; Patrick Tami; and Michael Trujillo


**I. Roll Call to Establish a Quorum****II. Public Comment**


**NOTE:** The Board cannot take action on items not on the agenda. The Board will allow for Public Comment as well as during the discussion of each item on the agenda.

**III. Closed Session – Personnel Matters, Examination Procedures and Results, Administrative Adjudication, and Pending Litigation (As Needed) [Pursuant to Government Code sections 11126(a) and (b), 11126(c)(1), 11126(c)(3), 11126 (e)(1), and 11126(e)(2)(B)(i)]**

- A. Dennis William McCreary vs. Board for Professional Engineers, Land Surveyors, and Geologists, Sierra County Superior Court Case No. 7361
- B. Thomas Lutge v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, Sacramento Superior Court Case No. 34-2012-80001329-CU-WM-GDS
- C. Michael Kissel v. Ric Moore, Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, Sacramento Superior Court, Small Claims Division, Case No. 13SC00365

**IV. Open Session to Announce the Results of Closed Session****V. Executive Officer's Report**

- A. Legislation
  - 1. Discussion of Legislation for 2013: SB 152 and SB 207 (Possible Action)
  - 2. Legislative Proposals (Possible Action) 

- a. Update on Temporary Authorization Repeal for Engineering, Geology, and Geophysics (Business and Professions Code Sections 6760, 7848, and 7848.1)
  - b. Update on Recommendation to Establish a Retired License Status for Professional Geologists and Geophysicists
- B. Update on Certificates of Authorization for Engineering, Land Surveying, Geological, and Geophysical Businesses (Possible Action)
- C. Strategic Plan Update 
  - 1. Action Plan Summary for FY 2012- 2013
- D. Personnel
  - 1. Executive Officer Performance Evaluation
- E. Administrative Task Force

VI. **Enforcement**

- A. Enforcement Statistical Reports (Possible Action) 

VII. **Exams/Licensing**

- A. Examination Update (Possible Action)

VIII. **Approval of Delinquent Reinstatements** (Possible Action)

IX. **Consideration of Rulemaking Proposals**

- A. Recommendation to Amend 16 CCR 3024 (Possible Action)
- B. Recommendation to Repeal Board Rules (16 CCR 443, 444, 3036.1, and 3037.1) Engineers, Land Surveyors, and Geologists – Inspection and Appeal of Examination (Possible Action)

X. **Administration**

- A. FY 2012/13 Budget Overview (Possible Action)

XI. **Technical Advisory Committees (TACs)**

- A. Board Assignments to TACs (Possible Action)
- B. Appointment of TAC Members (Possible Action)
- C. Reports from the TACs (Possible Action)

XII. **Liaison Reports**

- A. ASBOG (Possible Action)
- B. ABET (Possible Action)
- C. NCEES (Possible Action)
  - 1. Western Zone Interim Meeting Update
- D. Technical and Professional Societies (Possible Action)

XIII. **President's Report/Board Member Activities**

XIV. **Other Items Not Requiring Board Action**

XV. **Approval of Consent Items** (Possible Action)

(These items are before the Board for consent and will be approved with a single motion following the completion of Closed Session. Any item that a Board member wishes to discuss will be removed from the consent items and considered separately.)

A. Approval of the Minutes of the January 31, 2013 Board Meeting

XVI. **Adjourn**

## PUBLIC COMMENT

Time is allotted during the meeting to provide members of the public with an opportunity to address the Board. The time allotted for each member of the public to address the Board may be limited by the Board based on the number of individuals wishing to speak.

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It is requested that the speakers stand or come forward as they are recognized to speak. It is also requested, but not required, that the speakers give their names and any organizations they represent.

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The public may speak on items on the agenda during the Public Comment item or when the specific item comes up for discussion by the Board. If the Board does not notice a person's request to speak during discussion of an item, it is not a deliberate attempt to limit comment. It is sometimes difficult to notice a raised hand in a meeting room. If the Board does not notice you at first, please stand so that you may be recognized to speak.

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The public may speak on items not on the agenda; however, the Board may not discuss or take action on such items at this meeting. Board members cannot engage in dialogue, other than to request clarification from the speaker, regarding items not on the agenda due to constraints imposed by law. The Board may direct staff to follow up on the item with the speaker or may direct that the item be placed on the agenda of a future meeting for discussion.

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The Board asks that you not discuss a pending application or a disciplinary complaint matter because the Board members will be the "judges" who ultimately decide the matter, and, by law, they are not permitted to receive information that is not part of the official administrative record in the matter. Any issues relating to such matters should be addressed in writing to the Board's Executive Officer. If a person attempts to speak on such a matter, the person will be instructed to refrain from making further comments.

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If a person becomes disruptive, the person will be requested to cease the disruptive behavior. If the person fails to do so, the Board is allowed by law to request that the person leave the meeting and may even have the person removed if he or she fails to leave.